

# Electronic Filing News

## Inside this issue:

Guest Columnist	2
PDF Websites	3
From the Help Desk	4

## CM/ECF Statistics

- 2400 attorneys are registered for electronic filing in US District Court in Nebraska
- There are currently 30,000 cases managed on the CM/ECF system in Nebraska
- Attorneys filed 2518 documents electronically in November.

## Be Careful When Using Electronic Redaction

With the E-Government Act of 2002 in effect, the redaction of personal data identifiers from all civil pleadings is now a necessity. When redacting information, be careful of the method being used.

A redacted Department of Justice document released under the Freedom of Information Act was converted back to the full unmodified document and made available on the Internet. Sections of the document were redacted using the highlighting function of a word processing system to overlay sections with black highlighting (black highlighting over black text hides the text). The redacted document was converted to a PDF document. Since neither the highlighting nor the conversion to the PDF format overwrote the original text, removing the highlighting to reveal



the hidden text was very simple.

In another instance, CIA documents published by the New York Times were redacted by overlaying a black box on entire paragraphs of text. On slower computers the document, in its entirety, appeared on the screen first and the black box appeared seconds later, allowing viewers a quick peek at

the text. Even on fast computers, using tools available within the full version of Adobe, a viewer could simply remove the overlay.

One solution is to use Appligent's Redax software. It is a plug-in to Adobe Acrobat 4.0 and higher and allows users to easily and permanently delete information from PDF documents. The U.S. Department of Justice has implemented Redax in seven different divisions, including the U.S. Attorney's office.

## Adobe Acrobat 6.0

*If you install Acrobat 6.0 Standard or Professional, you must change the settings to make your PDF documents compatible with prior versions.*

The District Court clerk's office has tested Adobe Acrobat 6.0 and finds that it is compatible with CM/ECF. However, PDF documents created with Acrobat 6.0 cannot always be read by lower versions of Acrobat. Therefore, if you install Acrobat 6.0 Standard or Professional versions, you must change the settings to make your PDF documents com-

patible with prior versions. More information on Adobe 6.0 and instructions for changing the default settings can be found on our web site at <http://www.ned.uscourts.gov/cmecf/>, under Reference Materials.

Before installing any new version of Adobe Acrobat, it is important to completely uninstall prior versions.

## Guest Columnist

### WHAT WILL ECF DO FOR YOUR ECONOMICS?

by Jay L. Welch

Plenty—if you will apply the lessons of the ECF system to your entire practice! The ECF system provided this lawyer the final impetus and means to profit from “paperless” files and “paperless” communication. Lawyers more than other professionals suffer from “method inertia”—we are reluctant to change how we do things [does someone you know still use “Comes now...” or require that the firm name be carefully typed above the signature on that stationery that is expensively engraved with the Firm Name?]. The ECF system proves that the courts can occasionally innovate wisely [at least on a topic other than judicial redistribution of fault and wealth].

The “paperless world” is here. Those who decline to embrace it shall be left behind. To spare you the details of my progression from computer-proximity-nausea to paperless files, let’s begin with the 1996 decision of a client [the provider of most of my children’s tuition] that 1) it was progressively transitioning to paperless files and email transmission of “correspondence,” file documents, photographs, billings, etc., and 2) its evaluation of counsel would include counsel’s adaptability to the paperless world [a lawyer’s adaptability to paperless technology was a major indicator of a lawyer’s adaptability to the changing world of litigation, technology issues on product liability, technology relating to experts, medical technology, research, evidence preservation, trial presentation, etc.].

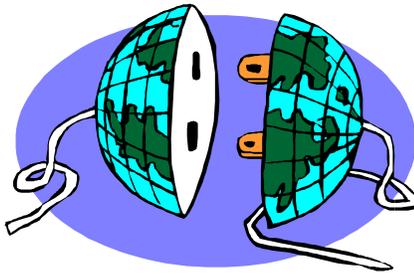
The parallel technological transition of my practice was essential and soon became fascinating—and economically

rewarding. The space for library was reduced 75% at \$20.00 per square foot and the space was adequate for a productive associate. A 3-inch correspondence spindle on a case spanning 2 ½ years could be word-searched electronically in under a minute and read on the computer screen while talking to the client. Eventually, that spindle, the materials to preserve it, staff time to file or search it, and the room to store it, all became unnecessary. It was soon discovered that a case file with over 200 photographs and thousands of pages of medical records

could be reduced and distributed in discovery to the seven law firms and five experts involved by scanning the media onto cd’s rather than having over 2400 photographic reprints and thousands of page-copies made-- at a savings of more than \$4,000.00 [and a 6-pound laptop instead of a 30-pound box could transport the file to depositions ranging from New York City to California—and the laptop could find in seconds a picture or document needed instantly during the depositions]. Written discovery became routinely distributed by email that was directly downloaded to case files without retyping—encouraging more prompt responses. Proposed responses could be emailed to clients for input and verification. Incoming responses could be electronically provided to clients for their information and comment. Deposition transcripts were electronically received, stored, accessed, searched, indexed, and copied in pertinent part into motions or briefs.

Eventually, email communications replaced over 50% of the interruptions

*(Continued on page 3)*



*If you are interested in being a guest columnist, please e-mail Luta\_Pleiss@ned.uscourts.gov*

## WHAT WILL ECF DO FOR YOUR ECONOMICS?

*(Continued from page 2)*

by telephone and almost 80% of the outgoing paper [with the consequential savings of postage, runners, paper, toner, equipment wear and tear, and TIME that lawyers and highly competent staff can devote to more productive matters such as sailing, case analysis, hiking, legal research, grandchildren, billing, fishin', etc.]. The foregoing is a SHORT list of the benefits of the "paperless" practice.

Now you ask what ECF has to do with all this progress? Simply put—

- ECF proves "paperless" works.
- ECF provides the incentive to make "paperless" work.
- ECF creates a disadvantage for opponents or competitors that will not make "paperless" work.
- ECF proves that the older generation can and will adapt, whether behind or before the bench—I well recall an airplane ride 8 years ago with a now-senior 8<sup>th</sup> Circuit judge who was rejoicing in the facility provided by the computerized interchanges among the widely spread Circuit Judges [perhaps someday the 8<sup>th</sup> Circuit will join the ECF System.].
- ECF methodology, software and hardware requirements provide almost all the knowledge and means of joining the paperless

world [filing a pdf motion is much like sending a picture to a client; sending the assigned judge a proposed order is much like sending a client a complex evaluation letter; and receiving the court's order or the frivolous motions of an opponent is much like electronically receiving a picture of a grandchild.].

- AND...the slow among us can file from anywhere on the Internet until midnight of the last day—proving that we can significantly increase personal freedom [being careful not to let the laptop ingest beach sand or a Pepsi]!
- AND MOST IMPORTANTLY...becoming comfortable with the ECF documentary process quickly makes even the most confirmed paper-hoarder comfortable with the concept of electronic document storage and transmission.

Luta Pleiss, our tireless District Trainer, limited how much I could gush, so in parting—give ECF a real and objective trial, and if you don't have one foot in the grave, you will like ECF and where it will lead you in preparing, transmitting or storing all manner of items that old-fashioned lawyers only handle on some kind of paper.

### PDF Websites

#### **Redax by Appligent**

<http://www.appligent.com/> A plug-in for Adobe Acrobat that is designed to completely remove text and scanned images from PDF documents.

#### **PDF for Lawyers**

<http://www.pdfforallawyers.com/>  
How to use PDFs in the practice of law.  
Tips & Techniques

#### **Planet PDF**

<http://www.planetpdf.com/>  
PDF news, tips, and tools.

#### **PDFZone**

<http://www.pdfzone.com/>  
More PDF news, tips, and tools.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

Roman L. Hruska U.S. Courthouse  
111 S. 18th Plaza, Suite 1152  
Omaha, NE 68102

Robert V. Denney Federal Building  
100 Centennial Mall North, Room 593  
Lincoln, NE 68508

Phone: 402-661-7350  
Toll Free: 866-220-4379  
Email: emailus@ned.uscourts.gov

We would love to have you share your thoughts, ideas and comments on CM/ECF with other attorneys. Please e-mail article ideas or guest columnist submissions to Luta Pleiss at [luta\\_pleiss@ned.uscourts.gov](mailto:luta_pleiss@ned.uscourts.gov).

We're on the web!  
[www.ned.uscourts.gov](http://www.ned.uscourts.gov)



## From the Help Desk

### Proper Electronic Signatures

The following signature block format is required for an electronic signature as stated in the Administrative Procedures.

#### s/ Judith Attorney

Judith Attorney Bar Number: 12345  
Attorney for (Plaintiff/Defendant)  
ABC Law Firm  
123 South Street  
Omaha, Nebraska 68000  
Telephone: (402) 123-4567  
Fax: (402)123-4567  
E-mail: [judith\\_attorney@law.com](mailto:judith_attorney@law.com)

Electronic signatures are only allowed for registered attorneys. Third-party signatures must be obtained on the original document and scanned.

### Entry of Appearance

Defense attorneys in criminal cases are reminded that they need to file their appearance pursuant to Local Rule 3.3

(b) of the U.S. District Court for the District of Nebraska:

### 3.3 Appearance of Counsel.

(b) Appearance, Criminal Case. An attorney appearing for a defendant in a criminal case shall promptly file a written appearance with the Clerk and serve a copy thereof upon the United States Attorney. The appearance shall show the office address and telephone number of the attorney.

### Motions Event v. Notices Event

When filing a motion it is important to select a "motion" event. The motion will appear on the judge's pending motions report, and therefore tracked for timely ruling. If a "notice" event is erroneously used for a motion, it will not appear on the judge's report and could be missed or delay the ruling.